

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IN RE: COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES
CREATED BY COVID-19 AND
RELATED CORONAVIRUS—MASK
POLICY

General Order 22-11

**GENERAL PUBLIC ORDER REGARDING COVID-19 VIRUS PUBLIC
EMERGENCY—MASK POLICY**

This order pertains to the United States Federal Building and Courthouse at 517 East Wisconsin Avenue in Milwaukee, Wisconsin and to the courtroom and clerk's office space at 125 S. Jefferson Street in Green Bay, Wisconsin. This order supersedes General Public Order 22-5 Regarding COVID-19 Virus Emergency—Mask Policy.

On March 3, 2022, the court issued an order (General Order 22-5) based on the February 25, 2022 revised guidance from the Centers for Disease Control and Prevention regarding masks. The February 2022 revised guidance described how the CDC had created COVID-19 Community Levels, a tool to help communities decide what prevention steps to take based on the latest data. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>. There are three community levels:

Low: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days; fewer than 10% of new COVID-19 hospital admissions per day (seven-day total); fewer than 10% of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

Medium: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days *and* 10%-19.9% new COVID-19 hospital admissions per 100,000 population (seven-day total) *and* 10%-14.9% of staffed inpatient beds occupied by COVID-19 patients (seven-day average); 200 or more new COVID-19 cases per 100,000 people in the past seven days *and* fewer than 10% of new COVID-19 hospital admissions per day (seven-day total) *and* fewer than 10% of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

High: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days *and* over 20% new COVID-19 hospital admissions per 100,000 population (seven-day total) *and* over 15% of staffed inpatient beds occupied by COVID-19 patients (seven-day average); 200 or more new COVID-19 cases per 100,000 people in the past seven days *and* 10% or more of new COVID-19 hospital admissions per day (seven-day total) *and* 10% or more of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

In February 2022, the CDC issued tailored recommendations for each risk level. In communities at the **Low** level, the CDC recommends staying up to date with COVID-19 vaccines and getting tested if one has symptoms. In communities at the **Medium** level, the CDC recommends that persons at high risk for severe illness talk with their health care providers about whether to wear masks and take other precautions, staying up to date with COVID-19 vaccines and getting tested if one has symptoms. In communities at the **High** level, the CDC recommends wearing a mask indoors in public, staying up to date with COVID-19 vaccines, getting tested if one has symptoms and

considering extra precautions for people at high risk for severe illness. Finally, the CDC advises that any person with symptoms, who has tested positive or who has been exposed to someone with COVID-19 should wear a mask.

Based on this guidance, the court issued the March 3, 2022 order, requiring that when the community level is **High**, all persons seeking entry to or occupying the Milwaukee courthouse and the Green Bay court space must wear masks or face coverings in the public areas of the building. The order specified that when the community transmission levels were **Medium** or **Low**, persons were not required to wear masks or face coverings in the public areas of the building.

Since the court issued the March 3, 2022 order, the community transmission levels in both Milwaukee and Brown County have risen to high and fallen back to medium or low more than once. Although the Omicron BA.5 variant is spreading and the number of employees of building tenants reporting confirmed infections has been increasing, almost two and a half years into the COVID-19 pandemic there is no indication that virus transmission is occurring in the public areas of the Milwaukee and Green Bay courthouses. Neither building is heavily trafficked. Several tenant agencies in the Milwaukee building continue to have significant percentages of staff teleworking. Judges continue to hold many hearings via videoconference under the CARES Act's authority. Judges in both buildings have conducted multiple jury trials with no evidence of transmission among jurors or parties.

The Wisconsin Department of Health Services reports that 61.5% of eligible Wisconsin residents are fully vaccinated and that 35.1% have received at least one booster dose. <https://www.dhs.wisconsin.gov/covid-19/data.htm>. Vaccines are now available for children as young as six months. There are drugs available to treat those who are infected. <https://www.mayoclinic.org/diseases-conditions/coronavirus/expert-answers/coronavirus-drugs/faq-20485627>.

By this order, the court is vacating the requirement that people wear masks or face coverings in the public areas of the building when the community transmission level is High. Masks will be optional in the public areas of the building, regardless of community transmission level, until further order of the court.

Each individual agency, court unit and chambers in the Milwaukee and Green Bay buildings is responsible for developing and enforcing its own policy for wearing face coverings or masks within its internal space. It is up to each judge to determine whether masks or face coverings are required in his or her courtroom and, if so, for which types of proceedings. It is up to the Clerk of Court to determine whether and when face masks or face coverings are required in any part of the clerk's office space, including the public counter area.

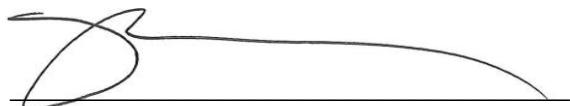
Although face masks will not be required by court order in the public areas of the building, any person who wishes to wear a face mask or face covering is encouraged and welcomed to do so.

The court **ORDERS** that General Order 22-5, requiring persons to wear face masks or coverings in the public areas of the Milwaukee and Green Bay federal courthouses when the community transmission level is High, is **VACATED**. Face masks or face coverings are optional in the public areas of both buildings.

This order will remain in effect until further order of the court.

Dated in Milwaukee, Wisconsin this 21st day of July, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge